

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Case No.: 5:04-CV-00110-RV-DK**

VIRGIN RECORDS AMERICA, INC., a )  
California corporation; CAPITOL RECORDS, )  
INC., a Delaware corporation; SONY MUSIC )  
ENTERTAINMENT INC., a Delaware )  
corporation; ATLANTIC RECORDING )  
CORPORATION, a Delaware corporation; )  
ELEKTRA ENTERTAINMENT GROUP )  
INC., a Delaware corporation; ARISTA )  
RECORDS LLC, a Delaware limited liability )  
company; INTERSCOPE RECORDS, a )  
California general partnership; and UMG )  
RECORDINGS, INC., a Delaware corporation, )

Plaintiffs, )

v. )

MARY BENFIELD, )

Defendant. )

**FILED**  
STATESVILLE, N.C.  
OCT 5 2006  
U.S. DISTRICT COURT  
W. DIST. OF NC

**DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

Based upon Plaintiffs' Motion For Default Judgment, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the ten sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

Defendant shall further pay Plaintiffs' costs of suit herein in the amount of One Hundred Fifty Dollars (\$ 150.00).

Defendant further shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Cherub Rock," on album "Siamese Dream," by artist "Smashing Pumpkins" (SR# 169-635);
- "Don't Know Why," on album "Come Away With Me," by artist "Norah Jones" (SR# 320-120);
- "Betterman," on album "Vitalogy," by artist "Pearl Jam" (SR# 206-558);
- "You Were Meant for Me," on album "Pieces of You," by artist "Jewel" (SR# 198-481);
- "I Knew I Loved You," on album "Affirmation," by artist "Savage Garden" (SR# 276-120);
- "Hotel California," on album "Hotel California," by artist "Eagles" (SR# N38950);
- "Fast Car," on album "Tracy Chapman," by artist "Tracy Chapman" (SR# 92-491);
- "Ms. Jackson," on album "Stankonia," by artist "Outkast" (SR# 306-741);
- "It's All About Me," on album "Mya," by artist "Mya" (SR# 255-973);
- "Kiss The Rain," on album "Growing Pains," by artist "Billie Myers" (SR# 251-956);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of

Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATE:

7-28-06

By:



Hon. Richard L. Voorhees  
United States District Judge